

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23317 of 2004

Between:

Kaveri Mahila Sangam, Rep. by its President V. Arunamma,
Garudapuram Village, Kalyangurg Mandal, Anantapur District.

..... PETITIONER

AND

- 1 The Joint Collector, Anantapur, Anantapur District.
- 2 The Revenue Divisional Officer, Dharmavaram, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, more particularly issue writ of mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner on 23-11-2004 before the Joint Collector, Anantapur.

Counsel for the Petitioner: KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorisation of the petitioner was cancelled by the second respondent through proceedings dated 08-09-2004. Initially, the petitioner filed W.P.No.18691 of 2004 challenging the same. The writ petition was dismissed leaving it open to the petitioner to avail the remedy of appeal. The petitioner had accordingly, preferred an appeal before the first respondent together with an application for stay. His complaint is that no orders have been passed so far either in the appeal or in the stay petition. Appropriate directions are sought for in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

It is true that the authorisation of the petitioner was cancelled without conducting any enquiry and without issuing any notice. On the face of it, such a cancellation is in violation of Clause 5(4) of the Andhra Pradesh State Public Distribution System Control Order 2001. The provision does not maintain any distinction between a temporary and a permanent dealer. This aspect needs to be taken into account by the appellate authority while passing the orders in the appeal or the application for stay, as the case may be. Since the petitioner had availed the remedy of appeal, this Court is not inclined to interfere with the impugned order, at this stage.

Accordingly, the writ petition is disposed of directing the first respondent to pass appropriate orders in the appeal or the stay petition, within a period of three weeks from the date of receipt of a copy of this order. No order as to costs.

15-12-2004

Note: Issue C.C. by two days.

(B/o)

kdl

To

- 1 Joint Collector, Anantapur, Anantapur District.
- 2 The Revenue Divisional Officer, Dharmavaram, Anantapur District.
- 3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).
- 4 Two C.D. Copies.